(c) if so, the main observations/recommendations made by the Commission; and

(d) the reaction of Government thereto and the action taken/proposed to be taken in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) The Supreme Court in R. K. Jain Vs. Union of India [JT 1993 (3) SC 297] had recommended that the Law Commission of India undertake a comprehensive study of the tribunals with a view to suggesting measures for their improved functioning and ensuring greater independence. The Commission has undertaken the necessary study in this regard.

(b) No, Sir.

(c) and (d) Do not arise.

COMMENTS BY CHIEF ELECTION COMMISSIONER ON CORRUPTION IN BUREAUCRACY

3202. PROF. SAURIN BHATTACHARYA : Will the PRIME MINISTER be pleased to state :

(a) whether Government are aware of the comments made by the Chief Election Commissioner regarding corruption in bureaucracy as published in the Pioneer dated the 27th November, 1993;

(b) if so, whether Government have ordered investigation to ascertain the facts and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) The Government has seen the comments purportedly made by the Chief Election Commissioner as published in the Poineer dated 27th November, 1993.

(b) No, Sir.

(c) The comments do not prima facie establish any charge of corruption against any particular officer of the Government and, therefore, no useful purpose would be served in conducting any investigation in the matter.

RULING OF THE SUPREME COURT EMPOWERING CHIEF JUSTICE FOR THE APPOINTMENT OF JUDGES

3203. SHRI TINDIVANAM G. VENKATRAMAN : Will the PRIME MINISTER be pleased to state :

(a) whether the Central Government are aware of recent ruling of the Supreme Court that the appointment of High Court Judges be made by Chief Justice of the particular High Court;

(b) if so, whether this ruling erodes the power of the Government in appointing High Court Judges; and

(c) what steps have been taken by Government to get this Judgment reversed/modified ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) to (c) Appointment of Judges in the High Courts are made by the President of India in terms of provisions of Article 217 of the Constitution of India.

For appointments in future, the Supreme Court has prescribed certain guidelines vide their judgment dated 6-10-1993 ; in writ petition (civil) No. 1303 of 1987—Supreme Court Advocates—on-Record Association and Another Vs. Union of India. This does not require any change in the provisions of the Constitution relating to appointment of Judges of the High Courts.

REMOVAL OF CLAUSE FROM THE HINDU MARRIAGE ACT AND SPECIAL MARRIAGE ACT.

3204. SHRI DAVID LEDGER : Will the PRIME MINISTER be pleased to state :

(a) whether Government propose to remove from the Hindu Marriage Act and the Special Marriage Act the Clauses prohibiting matrimony if one or both partners have epilepsy;

(b) if so, the details thereof; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) to (c) The question of bringing in necessary amendments in the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 for removal of references to epilepsy therein is under active consideration and a decision in the matter will be taken in consultation with the other concerned Ministries.

CONFERENCE OF CHIEF JUSTICE, CHIEF MINISTERS, LAW MINISTERS/ SECRETARIES AT NEW DELHI

3205. SHRI V. GOPALSAMY :
SHRI MENTAY PADMANABHAM :

Will the PRIME MINISTER be pleased to state :

(a) whether any conference of Chief Justice, Chief Ministers, Law Ministers and Law Secretaries was held at New Delhi ;

(b) if so, the date thereof and the names of the participants and the agenda of the Conference;

(c) whether any discussion was held on vacant posts in the High Courts and Supreme Court, if so, the details thereof ;

(d) the decisions taken thereat; and

(e) what steps are being contemplated to implement the decisions taken therein ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) and (b) Yes, Sir. A meeting of Chief Ministers and Chief Justices was held in New Delhi on 4 December, 1993. Law Ministers and Law Secretaries of various States/U.Ts. were also present, among others, in the meeting. The names of participants in the meeting are indicated in the enclosed statement (*See* below). The agenda for the meeting was "Arrears of cases in courts".

(c) to (e) The recommendations made by Chief Ministers and Chief Justices at the Meeting are contained in the Resolution adopted by them at the meeting, a copy of which is placed at Annexure. (*See* Appendix CLXIX, Annexure No. 63) Para 4 of the Resolution contains the recommendations relating to appointment of Judges in the Superior Courts. Government is considering the further action to be taken in respect of the recommendations contained in the Resolution.

STATEMENT

Names of Participants at the Meeting of Chief Ministers and Chief Justices

1. UNION

Shri P. V. Narasimha Rao,
Prime Minister

Shri H. R. Bhardwaj,
Minister of State for
Law, Justice & Co. Affairs

Shri A. N. Verma,
Principal Secretary to PM

Dr. P. C. Rao,
Union Law Secretary

Sri N. N. Vohra,
Secretary (Justice) &
Home Secretary

Shri K. L. Mohanpuria,
Secretary,
Legislative Department

Shri Arun Sinha,
Additional Secretary,
Deptt. of Justice

Dr. V. K. Agarwal,
Additional Secretary,
Department of Legal Affairs,